

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HERMELANDO MONGE PIEDRA,  
et al.

Petitioners,

v.

DEPARTMENT OF HOMELAND  
SECURITY, et al.

Defendants.

C14-457 TSZ

ORDER

THIS MATTER comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Mary Alice Theiler, Chief United States Magistrate Judge, docket no. 26. The R&R recommends that this matter, which was captioned as a civil rights class action, but was docketed as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, be dismissed without prejudice because the individual *pro se* petitioners, who are not attorneys authorized to practice before this Court, may not pursue a class action or otherwise litigate on behalf of others, have not made the requisite showing for appointment of counsel, and did not sign the operative pleading. The Court agrees with the R&R that the original posture of this case was improper.

Before the R&R was entered, the Clerk generated letters to each of the 30 named petitioners indicating that they had failed to submit a proper *in forma pauperis* (“IFP”)

1 form. See docket no. 5. Fifteen of these letters were returned as undeliverable because  
2 the individuals to whom they were addressed were not at the Northwest Detention Center  
3 in Tacoma, Washington. The copies of the R&R mailed to these 15 petitioners were also  
4 returned as undeliverable. See docket nos. 27-31, 33-38, 40-41, & 43-44. In addition, the  
5 copies of the R&R mailed to three other petitioners were returned, resulting in a total of  
6 18 undelivered copies of the R&R. See docket nos. 32, 39, & 42. After the deadline  
7 expired for filing objections to the R&R, eight petitioners, including two whose mail was  
8 returned as undeliverable, filed amended complaints, docket nos. 45-52, which no longer  
9 assert a class action.

10 As to these eight petitioners, namely Mario Torres Armas, Jose Vladimir Gaytan  
11 Venegas, Benito Garcia Celis, Favio Hernandez Guzman, Jesus Lule Arerrando, Saul  
12 Bello Vargas, Hermelando Monge Piedra, and Joel Enrique Rivera Palma, the Court  
13 DECLINES to adopt the R&R and hereby REFERS the matter to Chief Magistrate Judge  
14 Theiler for further proceedings. With regard to the other 22 petitioners,<sup>1</sup> the Court  
15 ADOPTS the R&R, DISMISSES the claims of such petitioners without prejudice, and  
16 DENIES any IFP applications of such petitioners as moot. With respect to petitioner  
17 Angel Perez Martinez, the Clerk is DIRECTED to refund the \$5 filing fee received on  
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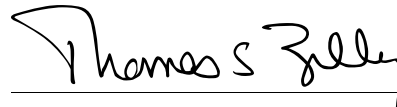
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20 <sup>1</sup> The claims of the following petitioners are dismissed without prejudice: Cipriano Pacheco Espana,  
21 Ramon Mendoza Pascual, Victor Hugo Moreno Garcia, Angel Perez Martinez, Jose Luz Pineda Andrade,  
22 Jose Perez Machic, Edwin Aguilar Leon, Sergio Lazano Camarena, Claudio Lopez Ruiz, Armando  
23 Gonzalez Lopez, Arnuflo Angelino Chavez Ramirez, Enrique Palmo Mendoza, Miguel Angel Becerra  
Cisneros, Vincente De Jesus Vasquez Acevedo, Eliazar Angulo Cervantes, Francisco Barajas Herrera,  
Juan Jaime Cruz Guardado, Francisco Arturo Osuna Contreras, Julio Cesar Ruiz Arcienega, Alejandro  
Flores Panso, Roberto Carlos Raimundo Austudillo, and Ezekiel Guzman Zarate.

1 April 8, 2014. The Clerk is further DIRECTED to send a copy of this Order to each  
2 petitioner *pro se* and to Chief Magistrate Judge Theiler.

3 IT IS SO ORDERED.

4 Dated this 26th day of June, 2014.

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7 Thomas S. Zilly  
8 United States District Judge  
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